

IN THE JUSTICE OF THE PEACE COURT
OF THE STATE OF DELAWARE

ORDER AMENDING JUSTICE OF THE PEACE COURT
CIVIL RULE 70

ORDER

This 25th day of May, 2011, it appears to the Court that it is desirable to amend Justice of the Peace Court Civil Rule 70(c)(1)&(2), (e), (f), (h) and (i) to provide the Court and the public additional uniformity and clarity pertaining to the execution of petitions for title to abandoned property.

NOW, THEREFORE, IT IS ORDERED THAT, the following amendment shall be effective May 25, 2011:

Amend Justice of the Peace Court Civil Rule 70(c)(1) by adding, at the end of the paragraph, the sentence "The lien certificate and theft report must be no more than 120 days old on the date of initial filing with the Court."

Amend Justice of the Peace Court Civil Rule 70(c)(2) by deleting the number "3" found directly after "...posting a notice of the filing of the petition" and before "or more public places" and inserting the number "5" and by inserting the language "as in paragraph (f)" directly after "The petitioner must file proof" and before "with the Court that petitioner"

Amend Justice of the peace Court Civil Rule 70(e), (h) and (i) by deleting "sheriff's sale" and replacing it with "constable's sale".

Amend Justice of the peace Court Civil Rule 70(f) by deleting the subsection in its entirety and replacing it with the following:

- (f) Prior to the constable's sale, the petitioner must give at least 15 days notice of the sale by handbills posted in five or more public places and by advertising in newspapers published and/or circulated in the county in which the sale is to be held. Petitioner must file with the Court a copy of the posted handbill, a notarized list of the locations at which the handbill was posted, and an affidavit of the newspaper publishing the notice with the notice attached at least 5 days before the sale.

FOR THE COURT:



Chief Magistrate